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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,378	02/11/2002	Jorge Cantu Bonilla	020328-000110US	5558

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EXAMINER
MYHRE, JAMES W

ART UNIT	PAPER NUMBER
3622	

MAIL DATE	DELIVERY MODE
11/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/074,378

Applicant(s)

CANTU BONILLA ET AL.

Examiner

James W. Myhre

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This Office Action is in response to the initial filing on February 11, 2002. Claims 1-5 are currently pending and have been considered below.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldhaber et al(5,794,210).

Claim 1: Goldhaber discloses a method for providing advertising services, comprising:

- a. presenting an advertisement to a user and a question pertaining to the product or service being presented in the advertisement (column 7, lines 48-61; column 10, lines 49-57; and column 16, lines 10-17);
- b. receiving an answer to the question from the user (column 7, lines 48-61; column 10, lines 49-57; and column 16, lines 10-17); and
- c. providing an incentive (reward) to the user if the answer is correct column 7, lines 48-61; column 10, lines 49-57; and column 16, lines 10-17).

Claims 4 and 5: Goldhaber discloses a method as in Claim 1 above, and further discloses the incentives are points/credits that are placed into the user's account and that can be used to pay "for providing entertainment or other information 70 the consumer wishes to access" (column 12, lines 5-11). The Examiner considers "entertainment" to include all types of "games".

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber et al (5,794,210) in view of Maggio (6,606,745).

Claim 2: Goldhaber discloses a method as in Claim 1 above and further suggests, but does not explicitly disclose, that the question pertains to a feature of the product or service column 7, lines 48-61; column 10, lines 49-57; and column 16, lines 10-17).

However, Maggio discloses a similar method for providing advertising services which further discloses that the question is linked to the product or service being advertised (the "Vignette") (column 5, lines 46-57). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to link the question in Goldhaber to a feature of the product or service being advertised. One would have

been motivated to link the question in such a manner in order to ensure that the user read the advertisement; otherwise, the user may just "know" the answer without having to read or even view the advertisement). For example, if the question was a generic question such as "How many states form the United States of America?", the user would most likely be able to answer 50 without looking at the advertisement.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber et al (5,794,210) in view of Hamzy et al (6,636,247).

Claim 3: Goldhaber discloses a method as in Claim 1 above, but does not explicitly disclose directing the user to the entity's webpage to locate the answer. However, Hamzy discloses a similar method for providing advertising services which further discloses "to display the advertisement with a question and give a number of URLs where the answer is hidden" (column 6, line 66 – column 7, line 9). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Goldhaber to include such links to one or more webpages. One would have been motivated to provide the link to the entity's webpage in order to give the user some hint as to the correct answer and to prolong their exposure to the product/service being advertised as discussed by Hamzy.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Freeman (7,281,928) discloses a method for providing advertising services where the advertisement is accompanied by a question through which, by answering correctly, the user may win a "card" that is used in an on-line game.

b. Onoue (US 2002/0022998) discloses a method for providing advertising services that awards a user for correctly answering a question about a displayed advertisement (Figure 18).

c. Hey (US 2002/0046087) disclose a method for providing advertising services that draws attention to advertisement by requiring the user to correctly answer a question pertaining to the product/service being advertised.

d. Kontogouris (US 2002/0082910) discloses a method for providing advertising services that measures user responses to the advertisement by requiring a correct answer to a question about the advertisement. The user account is incremented with additional credits for each correct answer.

e. Dale (US 2002/0128923) discloses a method for providing advertising services that award a user with entries into an online bingo game for providing correct answers to questions about a displayed advertisement.

f. Barnes, Jr. (US 2003/0065805) discloses a method for providing advertising services where the advertisements include links to other webpages.

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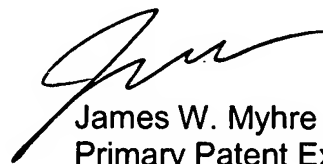
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Myhre whose telephone number is (571) 272-6722. The examiner can normally be reached on Monday through Thursday 6:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



November 9, 2007



James W. Myhre  
Primary Patent Examiner